

(Added Pub. L. 104-201, div. A, title X, § 1009(a)(2)(A), Sept. 23, 1996, 110 Stat. 2634.)

§ 673.¹ Small boat station rescue capability

The Secretary of Transportation shall ensure that each Coast Guard small boat station (including a seasonally operated station) maintains, within the area of responsibility for the station, at least 1 vessel that is fully capable of performing offshore rescue operations, taking into consideration prevailing weather, marine conditions, and depositional geologic features such as sand bars.

(Added Pub. L. 104-324, title III, § 309(a), Oct. 19, 1996, 110 Stat. 3919.)

§ 674. Small boat station closures

(a) CLOSURES.—The Secretary of Transportation may not close a Coast Guard multi-mission small boat station or subunit unless the Secretary—

(1) determines that—

(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit;

(B) regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the station or subunit; and

(C) Coast Guard search and rescue standards related to search and rescue response times are met; and

(2) provides an opportunity for public comment and for public meetings in the area of the station or subunit with regard to the decision to close the station or subunit.

(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any management efficiencies within the small boat station system, such as modifying the operational posture of units or re-allocating resources as necessary to ensure the safety of the maritime public nationwide. No stations or subunits may be closed under this subsection except in accordance with subsection (a).

(Added Pub. L. 104-324, title III, § 309(a), Oct. 19, 1996, 110 Stat. 3919.)

CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

Sec.	
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§ 680. Definitions

In this chapter:

¹ Another section 673 is set out preceding this section.

¹ So in original. Does not conform to section catchline.

(1) The term “construction” means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

(2) The term “contract” includes any contract, lease, or other agreement entered into under the authority of this chapter.

(3) The term “military unaccompanied housing” means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

(4) The term “United States” includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and the District of Columbia.

(Added Pub. L. 104-324, title II, § 208(a), Oct. 19, 1996, 110 Stat. 3909.)

§ 681. General authority

(a) AUTHORITY.—In addition to any other authority providing for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons of the following:

(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

(2) Unaccompanied housing units on or near such Coast Guard installations.

(b) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to acquire or construct military family housing or military unaccompanied housing under this chapter if that acquisition or construction has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 104-324, title II, § 208(a), Oct. 19, 1996, 110 Stat. 3909.)

§ 682. Loan guarantees

(a) LOAN GUARANTEES.—

(1) Subject to subsection (b), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

(A) 80 percent of the value of the project; or

(B) the outstanding principal of the loan.

(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of the United States with respect to such guarantees.

(4) The funds for the loan guarantees entered into under this section shall be held in the Coast Guard Housing Fund under section 687 of this title. The Secretary is authorized to purchase mortgage insurance to guarantee loans in lieu of guaranteeing loans directly against funds held in the Coast Guard Housing Fund.

(b) **LIMITATION ON GUARANTEE AUTHORITY.**—Loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) which shall be available for the disbursement of payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of guarantees made under this section.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3910.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 687 of this title.

§ 683. Leasing of housing to be constructed

(a) **BUILD AND LEASE AUTHORIZED.**—The Secretary may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this chapter.

(b) **LEASE TERMS.**—A contract under this section may be for any period that the Secretary determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3910.)

§ 684. Limited partnerships with nongovernmental entities

(a) **LIMITED PARTNERSHIPS AUTHORIZED.**—The Secretary may enter into limited partnerships with nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

(b) **LIMITATION ON VALUE OF INVESTMENT IN LIMITED PARTNERSHIP.**—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

(3) In this subsection, the term “capital cost”, with respect to a project for the acquisition or

construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

(c) **COLLATERAL INCENTIVE AGREEMENTS.**—The Secretary shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3911.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 687 of this title.

§ 685. Conveyance or lease of existing property and facilities

(a) **CONVEYANCE OR LEASE AUTHORIZED.**—The Secretary may convey or lease property or facilities (including ancillary support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this chapter.

(b) **TERMS AND CONDITIONS.**—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary considers appropriate for the purposes of this chapter and to protect the interests of the United States.

(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

(c) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.**—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b).

(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3911.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. The provisions of that Act relating to management and disposal of government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

The Stewart B. McKinney Homeless Assistance Act, referred to in subsec. (c)(3), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended, which is classified prin-

cipally to chapter 119 (§11301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687, 688 of this title.

§ 686. Assignment of members of the armed forces to housing units

(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired or constructed under this chapter.

(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b)¹ of title 37.

(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403¹ of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a¹ of that title.

(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired or constructed under this chapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3912.)

REFERENCES IN TEXT

Section 403 of title 37, referred to in subsec. (b), was amended generally by Pub. L. 105-85, div. A, title VI, §603(a), Nov. 18, 1997, 111 Stat. 1775, and, as so amended, section 403 relates to basic allowance for housing and subsec. (b) of section 403 does not refer to quarters of the United States or housing facilities under the jurisdiction of a uniformed service.

Section 403a of title 37, referred to in subsec. (b)(2), was repealed by Pub. L. 105-85, div. A, title VI, §603(c)(1), Nov. 18, 1997, 111 Stat. 1781.

§ 687. Coast Guard Housing Fund

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Fund (in this section referred to as the “Fund”).

(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

(1) Amounts authorized for and appropriated to that Fund.

(2) Subject to subsection (e), any amounts that the Secretary transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Transportation or Coast Guard for the acquisition or construction of military family housing or unaccompanied housing.

(3) Proceeds from the conveyance or lease of property or facilities under section 685 of this title for the purpose of carrying out activities

under this chapter with respect to military family and military unaccompanied housing.

(4) Income from any activities under this chapter, including interest on loan guarantees made under section 682 of this title, income and gains realized from investments under section 684 of this title, and any return of capital invested as part of such investments.

(c) USE OF AMOUNTS IN FUND.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family and military unaccompanied housing units, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this chapter.

(2) Amounts made available under this subsection shall remain available until expended.

(d) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreements entered into under this chapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

(e) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) or (b)(3) of this section may be made only after the end of a 30-day period beginning on the date the Secretary submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

(f) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this chapter shall not exceed \$20,000,000.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3912.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 682 of this title.

§ 688. Reports

The Secretary shall include each year in the materials the Secretary submits to the Congress in support of the budget submitted by the President pursuant to section 1105 of title 31, the following:

(1) A report on each contract or agreement for a project for the acquisition or construction of military family or military unaccompanied housing units that the Secretary proposes to solicit under this chapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

(2) A report describing each conveyance or lease proposed under section 685 of this title.

(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this chapter during such preceding fiscal year.

(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccom-

¹ See References in Text note below.

panied housing for members of the Coast Guard.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3913.)

FINAL REPORT

Section 208(b) of Pub. L. 104-324 provided that: "Not later than March 1, 2000, the Secretary of the department in which the Coast Guard is operating shall submit to the Congress a report on the use by the Secretary of the authorities provided by chapter 18 of title 14, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing."

§ 689. Expiration of authority

The authority to enter into a transaction under this chapter shall expire October 1, 2001.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3913.)

CHAPTER 19—ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

Sec.	
690.	Definitions.
691.	Environmental Compliance and Restoration Program.
692.	Environmental Compliance and Restoration Account.
693.	Annual Report to Congress.

§ 690. Definitions

For the purposes of this chapter—

(1) "environment", "facility", "person", "release", "removal", "remedial", and "response" have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

(2) "hazardous substance" has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given "oil" in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(3) "pollutant" has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(Added Pub. L. 101-225, title II, §222(a), Dec. 12, 1989, 103 Stat. 1917.)

§ 691. Environmental Compliance and Restoration Program

(a) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

(b) Program goals include:

(1) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

(2) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

(3) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

(4) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

(c)(1) The Secretary shall respond to releases of hazardous substances and pollutants—

(A) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

(B) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

(C) on each vessel the Coast Guard owns or operates.

(2) Paragraph (1) of this subsection does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

(3) The Secretary shall pay a fee or charge imposed by a state¹ authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This paragraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

(d) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary's responsibilities under this chapter. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary's responsibilities under this chapter. Services that may be obtained under this subsection include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

(e) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this chapter. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor's reasonable, potential, long-term liability.

(Added Pub. L. 101-225, title II, §222(a), Dec. 12, 1989, 103 Stat. 1917.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 692 of this title.

§ 692. Environmental Compliance and Restoration Account

(a) There is established for the Coast Guard an account known as the Coast Guard Environmental Compliance and Restoration Account. All sums appropriated to carry out the Coast Guard's environmental compliance and restoration functions under this chapter or another law

¹ So in original. Probably should be capitalized.